

REMARKS

The present Amendment After Final is in response to the Final Office Action mailed June 13, 2005, in the above-identified application. Enclosed herewith is a Petition requesting a three-month extension of time for resetting the deadline for responding to the Final Office Action from September 13, 2005, to and including December 13, 2005. A Notice of Appeal of the final rejection is also enclosed herewith.

Applicant notes that the present application includes independent claim 1, with claims 2-6 and 19-21 depending therefrom, and independent claim 7, with claims 8-13 and 22-24 depending therefrom.

In the present Amendment After Final, claim 8 has been amended to depend from independent claim 7. A review of the terminology recited in claim 8 indicates that the claim must depend from claim 7 in order to satisfy the requirements of 35 U.S.C. § 112, second paragraph, and that its original dependence from claim 1 was a typographical error.

In the Final Office Action, the Examiner rejected claims 1-2 and 4 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,478,682 to Funahashi. Referring to FIG. 3 thereof, Funahashi discloses a multi-color rubber stamp including rubber letter blocks 10 having engraved letter surfaces 10'. Stainless steel partition plates 8 are positioned between each of the adjacent rubber letter blocks 10 to prevent the mixing of different colored inks from one block to an adjacent block. In contrast, referring to FIG. 3 thereof, in certain preferred embodiments of the present invention, a first foam sheet 30 includes a substantially non-porous top surface 32 having images flash-printed thereon, a bottom, untreated surface 34 that remains substantially porous and peripheral edges 36 that extend between the substantially non-porous top surface 32

and the substantially porous bottom surface 34. A cutting device, such as a laser, may be used for cutting a plurality of first marking structures 38A-38F that are substantially similar to one another. Each first marking structure 38 includes an edge 40 that defines a unique pattern for assembly with another marking structure, as will be described in more detail below. As noted above, in certain preferred embodiments, each first marking structure 38A-38F is cut using a laser. As the laser cuts through the first foam sheet 30, the edges of the individual first marking structures 38A-38F are preferably exposed to the energy of the laser for melting the foam edges of the first marking structures 38. As a result, the edges become non-porous so that ink may not pass therethrough. Other cutting devices, such as cutting knives, razors, dies, presses and water may also be used to form the first marking structures 38A-38F. In all of these other cutting methods, energy must be applied to at least one of the edges of the first marking structures to form at least one non-porous edge.

FIG. 3 also shows a second foam sheet 42 having a top surface 44, a bottom surface 46 and peripheral edges 48 extending between top surface 44 and bottom surface 46. The second foam sheet 42 is treated in a similar fashion as described above with respect to first foam sheet 30, so that top surface 44 is substantially non-porous, except for the flag design, and the bottom surface 46 is substantially porous. Second marking structures 50A-50F are cut from the second foam sheet 42. The second marking structures 50A-50F are substantially similar to one another and include a unique pattern 52 preferably cut using a laser (or one of the other cutting devices listed above). As the laser cuts through the second marking structures 50A-50F, the peripheral edge surfaces are melted for forming non-porous surfaces through which ink may not pass.

In order to create a marking structure for a hand stamp, one of the first marking structures 38 from the first foam sheet 30 is assembled with one of the second marking structures 50 from the second foam sheet 42. The edge pattern 40 of the first marking structure 38 may be assembled with the edge pattern 52 of a second marking structure 50 in only one orientation. This is due to the unique patterns cut into the first and second marking structures 38, 50.

In certain preferred embodiments, the first marking structure 38 is loaded with red ink so that the stripes 54 of the flag are red and white (in non-porous areas) and the second marking structure 50 is loaded with blue ink so that the field 56 of the flag is blue. After the first and second marking structures 38, 50 are assembled together, it is desirable to prevent the red ink of the first marking structure 38 from mixing with the blue ink of the second marking structure 50. As such, the non-porous edges of the first and second marking structures prevent mixing of the ink. Of critical importance, the non-porous edges also preclude the need for a third object, such as a barrier or border, to be assembled between the opposing edges of the two marking structures 38, 50, thereby simplifying the assembly process and minimizing the number of parts needed for assembly.

In response to the Examiner's rejection, Applicant respectfully asserts that Funahashi does not teach or suggest a hand stamp including "said first and second marking structures being permanently assembled together so that at least one of said edges of said first marking structure opposes at least one of said edges of said second marking structure, wherein at least one of said opposing edges has a non-porous surface for preventing migration of said first ink of said first marking structure with said second ink of said second marking structure." Clearly, Funahashi provides no teaching that "at

least one of said opposing edges [of a marking structure] has a non-porous surface" for preventing migration of ink. Funahashi teaches using an extra component, i.e., a stainless steel partition plate, to prevent ink mixing. For the above reasons, claim 1 is unanticipated by Funahashi and is otherwise allowable. Claims 2 and 4 are unanticipated, *inter alia*, by virtue of their dependence from claim 1, which is unanticipated for the reasons set forth above.

In the Office Action, the Examiner rejected claims 19 and 21 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,988,987 to Ikura et al. Applicant notes that claims 19 and 21 depend from claim 1, and respectfully asserts that the rejection of these claims should be addressed with respect to the Funahashi reference.

Applicant respectfully asserts that claim 19 is unanticipated by Funahashi and Ikura because the references do not teach a hand stamp, "wherein said opposing edges of said first and second marking structures are in contact with one another." Claim 19 is also unanticipated, *inter alia*, by virtue of its dependence from claim 1, which is unanticipated for the reasons set forth above.

Applicant also asserts that claim 21 is unanticipated by Funshahsi and Ikura because the references do not teach a hand stamp, "wherein said non-porous surface is integral with one of said first and second marking structures." In Funahashi, the non-porous surface is provided by a stainless steel partition plate 8 that is positioned between adjacent rubber letter blocks 10. In Ikura, the non-porous surface is provided by a plastic stamp frame 3 with individual plastic stamp elements 2 that surround the respective foam ink retaining members 11. The references do not teach that the "non-porous surface is integral with one of said first and second marking structures," as required by claim 21. For these reasons, claim

21 is unanticipated by Funahashi and Ikura and is otherwise allowable. Claim 21 is also unanticipated, *inter alia*, by virtue of its dependence from claim 1, which is unanticipated for the reasons set forth above.

The Examiner finally rejected claims 7, 9, 19, 21, 22 and 24 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,988,987 to Ikura et al. Applicant notes that claims 19 and 21 depend from claim 1, not claim 7, and that a discussion of the patentability of claims 19 and 21 is set forth above. Referring to FIGS. 1-3 thereof, Ikura et al. discloses a combination stamp 1 having a plurality of stamp elements 2, each of which includes a stamp frame 3 made of a resin. Each stamp frame 3 has a rectangular cross-section with a top wall 3a and four sidewalls 3b, 3c, 3d, and 3e. One sidewall 3b includes a dovetail-like vertical interlocking projection 5, and another sidewall 3c has a dovetail-like vertical interlocking groove 6. The vertical projection 5 is fitted into the vertical groove 6 to join adjacent stamp elements 2 together and to prevent horizontal displacement of the adjacent stamp elements 2.

In response to the Examiner's rejection, Applicant respectfully notes that Ikura's two stamp elements 2, shown in FIGS. 2 and 3 thereof, can be assembled in more than one configuration. FIG. 2 shows two adjacent stamp elements 2 that are assembled together. In FIG. 3, Ikura shows a first stamp element 2 (on the left) having a dovetail-like projection 5 that is assembled with a dovetail-like groove 6 of a second stamp element 2 (on the right). However, the first stamp element can be decoupled from the left side of the second stamp element and reassembled with the right side of the second stamp element, whereby the dovetail-like projection on the right side of the second stamp element is assembled with a dovetail-like groove on the left side of the first stamp element. Thus, Ikura's stamp elements can be assembled in more than one configuration. For

the above reasons, Applicant respectfully asserts that claim 7 is unanticipated by Ikura et al. because the reference neither teaches nor suggests that the "first and second marking structures can be assembled together in only one configuration." Clearly, Ikura's stamp frames can be assembled together in more than "only one configuration." For the above reasons, claim 7 is unanticipated by Ikura et al. and is otherwise allowable. Claim 9 is unanticipated, *inter alia*, by virtue of its dependence from claim 7, which is unanticipated for the reasons set forth above.

Referring to FIG. 3 of Ikura, the foam ink retaining members 11 have flat edges that are not capable of interlocking with one another. Only the edges of the stamp frames 3 are capable of interlocking with one another. These stamp frames 3 are made of resin. For these reasons, claim 22 is unanticipated by Ikura because the cited reference does not disclose a hand stamp "wherein the interlocked patterned peripheral edges of said marking structures comprise foam." Claim 22 is also unanticipated, *inter alia*, by virtue of its dependence from claim 7, which is unanticipated for the reasons set forth above.

Claim 24 is unanticipated by Ikura because the reference does not teach a hand stamp including first and second marking structures having interlocked edges, "wherein said first and second marking structures comprise foam surfaces, and wherein at least one foam surface of said first marking structure is in direct contact with at least one foam surface of said second marking structure." Clearly, Ikura's foam ink retaining members 11 are never "in direct contact" with one another. For these reasons, claim 24 is unanticipated by Ikura and is otherwise allowable. Claim 24 is also unanticipated, *inter alia*, by virtue of its dependence from claim 7, which is unanticipated for the reasons set forth above.

The Examiner rejected claims 3 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Funahashi in view of U.S. Patent No. 6,119,596 to Fletcher et al. In response, Applicant respectfully asserts that Fletcher et al. does not overcome the deficiencies noted above in Funahashi. Thus, claims 3 and 6 are patentable, *inter alia*, by virtue of their dependence from claim 1, which is patentable for the reasons set forth above.

The Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Funahashi in view of U.S. Patent No. 6,000,335 to Imamaki et al. The Examiner has cited the Imamaki et al. reference as teaching the formation of a non-porous surface by applying a light source that melts the microporous stamping member. In response, Applicant respectfully asserts that Imamaki et al. does not overcome the deficiencies noted above in Funahashi, and that claim 5 is patentable, *inter alia*, by virtue of its dependence from claim 1, which is patentable over Funahashi for the reasons set forth above.

Claims 8 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ikura et al. in view of Funahashi. In response, Applicant respectfully asserts that Funahashi does not overcome deficiencies noted above in Ikura et al.

The Examiner rejected claims 10 and 13 under 35 U.S.C. § 103(a) as being unpatentable over Ikura et al. in view of U.S. Patent No. 6,119,596 to Fletcher et al. In response, Applicant respectfully asserts that Fletcher et al. does not overcome the deficiencies noted above in Ikura et al.

The Examiner rejected claims 12 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Ikura et al. in view of Imamaki et al. In response, Applicant respectfully asserts that Imamaki does not overcome the deficiencies noted above in Ikura and that claim 12 is also unobvious by virtue of its dependence

from claim 7, which is unobvious for the reasons set forth above.

Claim 20, which depends from claim 1, is unobvious over the art of record because the references neither disclosure nor suggest a hand stamp "wherein said non-porous surface comprises melted microporous foam that prevents ink from passing therethrough." Referring to FIG. 3 thereof, Funahashi uses a stainless steel partition plate 8 for providing a non-porous surface that prevents ink migration. Ikura discloses a plastic frame that functions as a non-porous surface for preventing ink migration. The non-porous surfaces do not comprise "melted microporous foam." For these reasons, claim 20 is patentable over the references cited by the Examiner and is otherwise allowable.

As it is believed that all of the rejections set forth in the Office Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that she telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections which she might have.

If there are any additional charges in connection with this requested Amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: November 30, 2005

Respectfully submitted,

By Michael J. Doherty

Michael J. Doherty  
Registration No.: 40,592  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP  
600 South Avenue West  
Westfield, New Jersey 07090  
(908) 654-5000  
Attorney for Applicant